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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,919	12/22/2003	David Carroll Challener	RPS920030244US1	8405

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EXAMINER	
YOUNG, NICOLE M	
ART UNIT	**PAPER NUMBER**
2139	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/748,919	CHALLENER ET AL.	
	Examiner	Art Unit	
	Nicole M. Young	2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☒ Claim(s) *9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 June 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/22/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

The use of the trademark "Bluetooth" (page 4 line 4) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Appropriate correction is required.

Claim Objections

Claim 9 is objected to because of the following informalities: the claim includes the word "seucre" which should be spelled "secure". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-13 and 19 recite the limitation "the computer". There is insufficient antecedent basis for this limitation in the claim. Each claim should state "the mobile computer" in all instances.

Claims 1-6, 8, 9, 14-18, 19-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims recite "secure

data" and "secure assets". The scope of "secure data" and "secure assets" is not disclosed in the Specification, therefore the Examiner is interpreting data and assets to be secure when accessed after authentication has succeeded.

Claim Rejections - 35 USC § 102

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by **Sumner et al (US 2003/0142641)** hereinafter referred to as Sumner.

Claims 1 and 14 disclose a service and a system comprising:

determining that a mobile computer has lost connectivity to a first access point of a network; (paragraph [0060], "when a predefined drop in throughput is reached)

when the mobile computer roams (paragraph [0060] "roaming among Access Points of a WLAN is built into the WLAN card) to a second access point of the network,

determining whether the second access point is authorized for secure communication and if so (scans frequencies for WLANs with a particular SSID.....user-unique logon data with a password),

releasing access to secure data on the network through the second access point (paragraph [0061], "reads about hotel change on his palmtop computer" and paragraph [0062]).

Also relevant is paragraph [0066] where hotel connection is lost, the company WLAN is detected, logged on to, and company files are accessed.

Claims 2 and 15 disclose the service and system of Claims 1 and 14, wherein the service or means is undertaken by the mobile computer (paragraph [0073] "may be implemented in hardware or software, or a combination of both.....implemented in computer programs executing on one or more programmable computers .....or for the wireless device a low-power microcomputer").

Claims 3 and 16 disclose the service and system of Claims 2 and 15, wherein the service or means is undertaken by a hypervisor in the mobile computer (paragraph [0075] discloses a "special purpose programmable computer" and computers configured to operate in "a specific and predefined manner." The Specification defines a "hypervisor" to be a security module "that is a dedicated part of the CPU chip" [page 4 paragraph 2]. The Examiner interprets computer programs to implement the authentication service or system defined above to be a hypervisor).

Claims 4 and 17 disclose the service and system of Claims 1 and 14, wherein the service or means is undertaken by at least one network resource outside the mobile computer (paragraph [0073] "may be implemented in hardware or software, or a combination of both.....implemented in computer programs executing on one or more programmable computers for the infrastructure elements (control point, gateway, databases and access points).

Claims 5 and 18 disclose the service and system of Claims 1 and 14, wherein the mobile computer is authenticated at the first access point, prior to losing connectivity thereto (paragraphs [0056] and [0057] disclose authentication to the airport's WLAN before losing connectivity).

Claim 6 discloses service of Claim 5 wherein releasing access to secure data on the network through the second access point comprises releasing access to a set of secure data which differs from the secure data released when the mobile computer is connected to the first access point (paragraph [0066] where hotel connection is lost, the company WLAN is detected, logged on to, and company files are accessed through the company database and file server which were not previously accessible through the hotel connection).

Claim 7 discloses a mobile computer, comprising:

at least one processor (paragraph [0073] "that each include a processor");

at least one wireless transceiver in communication with the processor, the processor executing logic including ("a wireless transceiver....and software to enable switching between WLANs based on control messages received from a control point associated with a WWAN"):

determining whether a predetermined communication hardware event has occurred (paragraph [0063] determining connection lost, "WLAN coverage is lost"); and

if a predetermined communication hardware event has occurred, selectively configuring the computer in a non-secure mode (paragraph [0063] "enters a doze or sleep mode").

Claim 8 discloses the computer of Claim 7, wherein the computer cannot access secure data on the network while configured in said non-secure mode (paragraph [0063] while the mobile device is in sleep or doze mode it cannot authenticate to a network).

Claim 9 discloses the computer of Claim 7, wherein the computer can access a subset of the secure data on the network while configured in said non-secure mode (paragraph

[0065], "he could have waited until another e-mail notice came over the paging channel" this would happen while the computer was in sleep/doze mode and in interpreted as a subset of secure data on the network while in non-secure mode).

Claim 10 discloses the computer of Claim 7, wherein the predetermined hardware event is a disconnection from a wireless access point (paragraph [0063] determining connection lost, "WLAN coverage is lost").

Claim 11 discloses the computer of Claim 7, wherein the computer is configured in the nonsecure mode if the computer roams to an access point that is not authorized for secure data transmission (paragraph [0060], while disconnected (interpreted to be nonsecure mode as it is not authenticated) the mobile device roams for WLANs with a certain SSID to authenticate with; if the access point does not have the SSID it is looking for it is not authorized).

Claim 12 discloses the computer of Claim 10, wherein the processor accesses a list of authorized access points to undertake the act of selectively configuring (paragraph [0070] "If the client Tom is visiting has negotiated with his WAN Provide the SSID and WEP Key, if any for the client's WLAN are availibe through a central provisioning point. Tom's WAN provider supplies a list of WLANs to Tom's pager/WLAN card).

Claim 13 discloses the computer of Claim 10, wherein the processor receives a network signal from a wireless access point to indicate whether the wireless access point is an authorized access point to undertake the act of selectively configuring (paragraph [0065], when he card scans for service it will receive a signal from the hotel WLAN indicating it is authorized for connection).

Claim 19 discloses a method comprising:

establishing communication between a mobile computer and a network through an access point (paragraphs [0056] and [0057] disclose authentication to the airport's WLAN);

and based on at least one of: a location, and an identification, of the access point, selectively granting the computer access to secure assets in the network (paragraph [0060] discloses roaming to "several different WLAN Access Points" while in motion because the range of each Access Point is "100-300 feet"; the Access Points also have to meet the criteria of having a particular SSID, an identification).

Claim 20 discloses the method of Claim 19, wherein the act of selectively granting is undertaken by the mobile computer (paragraph [0073] "may be implemented in hardware or software, or a combination of both.....implemented in computer programs executing on one or more programmable computers .....or for the wireless device a low-power microcomputer").

Claim 21 discloses the method of Claim 20, wherein the act of selectively granting is undertaken by a hypervisor in the mobile computer (paragraph [0075] discloses a "special purpose programmable computer" and computers configured to operate in "a specific and predefined manner." The Specification defines a "hypervisor" to be a security module "that is a dedicated part of the CPU chip" [page 4 paragraph 2]. The Examiner interprets computer programs to implement the authentication service or system defined above to be a hypervisor).

Claim 22 discloses the method of Claim 19, wherein the computer is configured to access a first set of network assets when communicating through a first access point and a second set of network assets when communicating through a second access point (paragraph [0066] where hotel connection is lost, the company WLAN is detected, logged on to, and company files are accessed through the company database and file server which were not previously accessible through the hotel connection).

Note: Examiner has pointed out particular references contained in the prior arts of record and in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable to the limitations of the claims. It is respectfully requested from the applicant, in preparing for response, to consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 2002/0154776 Sowa et al. teaches a method of receiving a request for connection from a mobile station and sending the request to an authentication agent to determine if it is secure to access the network.

US 2002/0157024 Yokote, Aki teaches seamless hand-off and authentication of a mobile device if beacon signal strength is detected as too low.

US 2003/0084287 Wang et al. teaches a method and system of authenticating a mobile device to mobile access points while roaming.

US 2002/0188865 Joseph et al. teaches secure inter-node communication with the use of a hypervisor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicole M. Young whose telephone number is 571-270-1382. The examiner can normally be reached on Monday through Friday, alt Friday off, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jaghi D. Arani
Primary Examiner
Art Unit 2139
3/16/07